Supreme Court, U. S.
FILED
FEB 21 1978
MICHAEL RODAK, JR., CLERK

APPENDIX B

IN THE

SUPREME COURT OF THE UNITED STATES

October Term, 1977

No. 77-1181

Department of Human Resources (formerly State Department of Public Welfare) of the State of Texas,

Petitioner

v.

Joseph A. Califano, Jr., Secretary of Health, Education and Welfare, and Michael Blumenthal, Secretary of the Treasury,

Respondents

PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

John L. Hill
Attorney General of Texas

David M. Kendall
First Assistant Attorney General of Texas

Frank C. Cooksey
(Acting as Special Assistant Attorney General)
Swift and Swift, P.C.
1444 American Bank Tower
Austin, Texas 78701

Attorneys for the Petitioner

APPENDIX B

Supreme Court of the United States

No. A-526

STATE DEPARTMENT OF PUBLIC WELFARE OF TEXAS, ET AL.,

Petitioners,

v.

JOSEPH A. CALIFANO, JR., SECRETARY OF HEALTH, EDUCATION AND WELFARE

ORDER EXTENDING TIME TO FILE PETITION FOR WRIT OF CERTIORARI

UPON CONSIDERATION of the application of counsel for petitioner(s),

IT IS ORDERED that the time for filing a petition for writ of certiorari in the above-entitled cause be, and the same is hereby, extended to and including *February 20*, 19 *78*.

/s/ Lewis F. Powell, Jr.
Associate Justice of the Supreme Court of the United States

Dated this *19th*
day of *December*, 19 *77*.

IN THE UNITED STATES COURT OF APPEALS

FOR THE FIFTH CIRCUIT

NO. 75-1953

U.S. COURT OF APPEALS
F I L E D

NOV 1 '77

EDWARD W. WADSWORTH
CLERK

STATE DEPARTMENT OF PUBLIC WELFARE OF THE STATE OF TEXAS, Et. Al.,

Plaintiffs-Appellees, Cross-Appellants,

versus

JOSEPH A. CALIFANO, JR., Secretary of Health, Education and Welfare, Et. Al.,

Defendants-Appellants, Cross-Appellees.

- - - -

Appeals from the United States District Court for the Western District of Texas

- - - - -

O R D E R:

( ) The motion of _____ for stay of the issuance of the mandate pending petition for writ of certiorari is DENIED.

( ) The motion of _____ for stay of the issuance of the mandate pending

petition for writ of certiorari is GRANTED to and including _____ , the stay to continue in force until the final disposition of the case by the Supreme Court, provided that within the period above mentioned there shall be filed with the Clerk of this Court the certificate of the Clerk of the Supreme Court that the certiorari petition has been filed. The Clerk shall issue the mandate upon the filing of a copy of an order of the Supreme Court denying the writ, or upon the expiration of the stay granted herein, unless the above mentioned certificate shall be filed with the Clerk of this Court within that time.

(x) The motion for a further stay of the issuance of the mandate is GRANTED to and including *March 1, 1978*, under the same conditions as set forth in the preceding paragraph.

( ) IT IS ORDERED that the motion for a further stay of the issuance of the mandate is DENIED.

/s/ Robert Ainsworth
United States Circuit Judge

United States Court of Appeals

FIFTH CIRCUIT

OFFICE OF THE CLERK

EDWARD W. WADSWORTH
CLERK

600 CAMP STREET
NEW ORLEANS, LA. 70130

October 11, 1977

Mr. Frank C. Cooksey
Attorney
1444 American Bank Tower
Austin, TX 78701

No. 75-1953 - State Department of Public Welfare of the State of Texas, ET AL. v. Joseph A. Califano, Jr., etc., ET AL.

MANDATE STAYED TO AND INCLUDING
October 30, 1977

Dear Counsel:

The court has this day granted a stay of the issuance of the mandate to the date as shown above. If during the period of the stay there is filed with the clerk of this court a notice from the clerk of the Supreme Court that the party who has obtained the stay has filed a petition for the writ in that court, the stay shall continue until final disposition by the Supreme Court. Upon the filing of a copy of an order of the Supreme Court denying the petition for writ of certiorari the mandate shall issue immediately under Rule 41, FRAP.

Under revised Rule 21(1) of the Supreme Court effective July 1, 1970, a record is no longer required in connection with an application for writ of certiorari, and therefore will not be routinely prepared by this office (38LW 3502).

A copy of the opinion, judgment and denial of rehearing are still required by the Supreme Court to be incorporated as an appendix to your petition. Enclosed are copies of the said documents which have been entered in this cause.

Very truly yours,

Edward W. Wadsworth, Clerk

By /s/ Susan N. Gravois
Deputy Clerk

enc.

cc: Messrs. Robert E. Kopp
Michael H. Stein

United States Court of Appeals

FIFTH CIRCUIT

OFFICE OF THE CLERK

EDWARD W. WADSWORTH
CLERK

TEL 504-589-6514
600 CAMP STREET
NEW ORLEANS, LA. 70130

September 23, 1977

TO ALL PARTIES LISTED BELOW:

No. 75-1953 - State Department of Public Welfare of the State of Texas, et al. vs. Joseph A. Califano, Jr., Secretary of H.E.W., et al.

Dear Counsel:

This is to advise that an order has this day been entered denying the petition ( ) for rehearing, and no member of the panel nor Judge in regular active service on the Court having requested that the Court be polled on rehearing en banc (Rule 35, Federal Rules of Appellate Procedure; Local Fifth Circuit Rule 12) the petition ( ) for rehearing en banc has also been denied.

See Rule 41, Federal Rules of Appellate Procedure for issuance and stay of the mandate.

Very truly yours,

Edward W. Wadsworth, Clerk

By /s/ Clare F. Sachs
Deputy Clerk

cc: Messrs. Robert E. Kopp
Michael H. Stein
Messrs. Frank C. Cooksey
John L. Hill
David M. Kendall

UNITED STATES COURT OF APPEALS

FOR THE FIFTH CIRCUIT

No. 75-1953

D. C. Docket No. A-73-CA-185

STATE DEPARTMENT OF PUBLIC WELFARE OF THE STATE OF TEXAS, Et. Al.,
Plaintiffs-Appellees,
Cross-Appellants,

versus

JOSEPH A. CALIFANO, JR., Secretary of Health, Education and Welfare, Et. Al.,
Defendants-Appellants,
Cross-Appellees.

Appeals from the United States District Court for the Western District of Texas

Before AINSWORTH and MORGAN, Circuit Judges, and LYNNE*, District Judge.

*Senior District Judge of the Northern District of Alabama, sitting by designation.

JUDGMENT

This cause came on to be heard on the transcript of the record from the United States District Court for the **Western District of Texas, and was argued by counsel;**

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said District Court in this cause be, and the same is hereby, **affirmed in part and modified in part;**

It is further ordered that plaintiffs-appellees cross-appellants pay to defendants-appellants cross-appellees, the costs on appeal to be taxed by the Clerk of this Court.

July 25, 1977

Issued as Mandate: AUG 22 1977